

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2013-0024
ROW # 10911818

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP-0202110301

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2501 East 4th Street (This lot has never been assigned an address and fronts to 3rd Street)

LEGAL DESCRIPTION: Subdivision – Lot 1 Block 1 OLT Chernosky M E

Lot(s) 1 Block 1 Outlot Division Block1 OLT Chernosky M E

I/We Scott Turner on behalf of myself/ourselves as authorized agent for

GETSEMANI PENTACOSTAL CHURCH T affirm that on February 20, 2013,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

Reduce the 15 side yard setback to 5' in order to erect new SF residential

in a SF-3 - NP district.
(zoning district)

(Wally N.P.)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

There are three protected trees on this narrow, vacant corner lot. The size and location of their critical root zones do not allow construction in the buildable lot area with a 15' side yard setback, as shown in Exhibit A.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The critical root zones of the protected trees on the narrow lot do not leave enough area to accommodate the 15' street side yard setback.

-
- (b) The hardship is not general to the area in which the property is located because:

The size and location of the protected trees are unique to the property.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

All existing structures on adjacent properties along Pedernales Street are within the 15' street side yard setback, as shown on Exhibit B. The 5' side yard setback would be more consistent with neighboring properties than a 15' setback. With a 5' street side yard setback, construction on the lot will be further away from the critical root zones and from adjacent neighboring homes, and the protected trees shared with the neighbors will be preserved for everyone's benefit.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

NA

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

NA

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

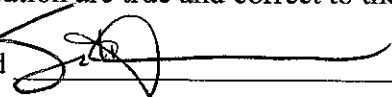
NA

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed



Mail Address

1409 W. 6th Street

City, State & Zip Austin, Tx 78703
Printed Scott Turner Phone 473-9930 Date 2-25-13

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

★ Signed Rev. Jaime Trevino Mail Address 2260 Washington Ave.
City, State & Zip Alvin, Tx 77511
Printed Rev. Jaime Trevino Phone 713-628-5546 Date 2-25-13

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (4) Other Information - Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.
- (5) Austin Energy approval

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how the variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

**Susan Walker, Planner
974-2202**

**Diana Ramirez, Administrative Specialist, Board Secretary
974-2241**

Fax #974-6536

**Planning and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor**

**Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088**

SCALE: 1"=30'

2501 EAST 4th STREET
(56.5' R.O.W.)

Adjacent structure
encroaches
on 15' side yard
setback

Lot 13
Block 1
Book 4
Page 5

Existing setbacks

HATCH REPRESENTING
PROTECTED TREE
CRITICAL ROOT ZONES
AND CANOPIES IN COA
BUILDING LINES

Lot 2
Block 1
Book 4
Page 5

Proposed 5'
setback allows
construction
outside of critical
root zones

EAST 3rd STREET
(VARIABLE R.O.W.)

PEDERNALES STREET
(60' R.O.W.)

RAILROAD TRACKS

- LEGEND
- WOOD FENCE
 - CHAIN LINK FENCE
 - UTILITY LINE
 - ELEC. METER
 - GAS METER
 - WATER METER
 - TELE. P.D.
 - 1/2" IRON ROD W/
PLASTIC CAP STAMPED CITY
 - ALL POINTS SET
 - PULE
 - △ CALCULATED POINT
 - PIPE FND.
 - BOAT FND.
 - UTILITY POLE
 - GUY ANCHOR
 - BL. BUILDING LINE
 - ORANGE EXISTENT PUBLIC UTILITY EASEMENT

LOT No. 1 AND 12 BLOCK "1" SUBDIVISION / ADDITION CHERNOBYL SUBDIVISION
SECTION 4 Volume 4 Page(s) 5 Cabinet Side PLAT RECORDS
TRANS COUNTY, TEXAS Document No. GETSMAN PENNYCOSTAL CHURCH
Reference:

EXHIBIT A- TREE LOCATIONS AND LOCATION OF
BUILDING ON ADJACENT LOT

2501 EAST 4TH STREET AUSTIN TX 78702-

CITY OF AUSTIN GIS MAP

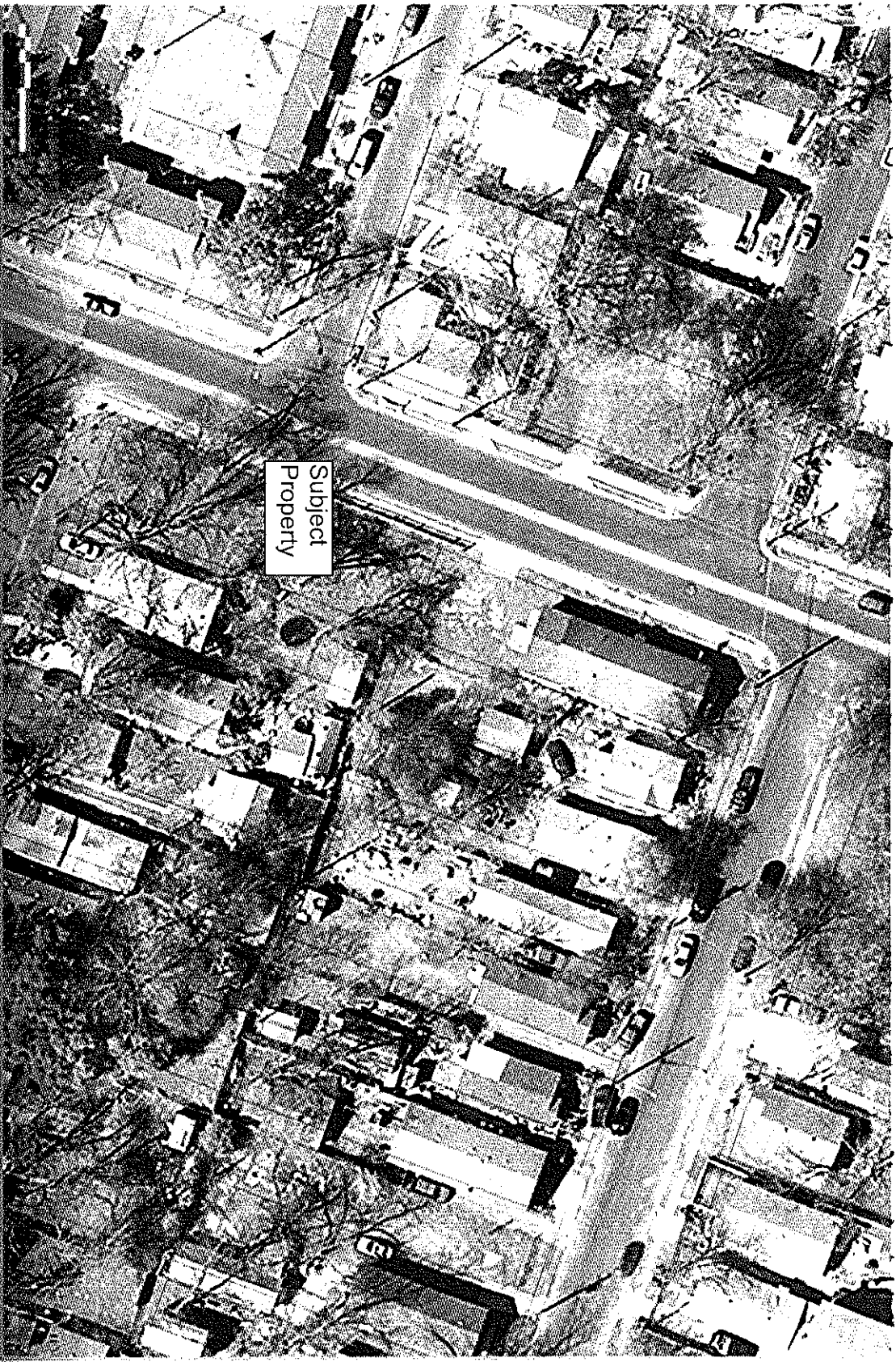


EXHIBIT B- ALL PROPERTIES ON PEDERNALES ARE WITHIN THE 15'
SIDE YARD SETBACK- HOUSES ACROSS THE STREET HAVE NO SETBACK

February 13, 2013

To Whom It May Concern:

This letter authorizes Scott Turner to act as my agent for a variance and permits concerning the property at 2501 E. 4th Street, Austin, TX 78702.

Sincerely,

Rev. Jaime Trevino

Jaime Trevino
Texas Latin Conference
713-628-5546
2260 Washington
Alvin, TX 77511

Travis CAD

Property Search Results > 189614 GETSEMANI PENTACOSTAL CHURCH T for Year 2013

Property

Account

Property ID: 189614 Legal Description: LOT 1&12 BLK 1 OLT 11 DIV O CHERNOSKY M E
 Geographic ID: 0202110301 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 2501 E 4 ST Mapsco: 615D
 TX
 Neighborhood: OFFICE SMALL <10,000SF Map ID: 020211
 Neighborhood CD: 53EXE

Owner

Name: GETSEMANI PENTACOSTAL CHURCH T Owner ID: 175721
 Mailing Address: CHURCH TRUSTEES % Ownership: 100.0000000000%
 2501 E 4TH ST
 AUSTIN, TX 78702-4711
 Exemptions: EX

Values

(+) Improvement Homesite Value: + N/A
 (+) Improvement Non-Homesite Value: + N/A
 (+) Land Homesite Value: + N/A
 (+) Land Non-Homesite Value: + N/A Ag / Timber Use Value
 (+) Agricultural Market Valuation: + N/A N/A
 (+) Timber Market Valuation: + N/A N/A

 (=) Market Value: = N/A
 (-) Ag or Timber Use Value Reduction: - N/A

 (=) Appraised Value: = N/A
 (-) HS Cap: - N/A

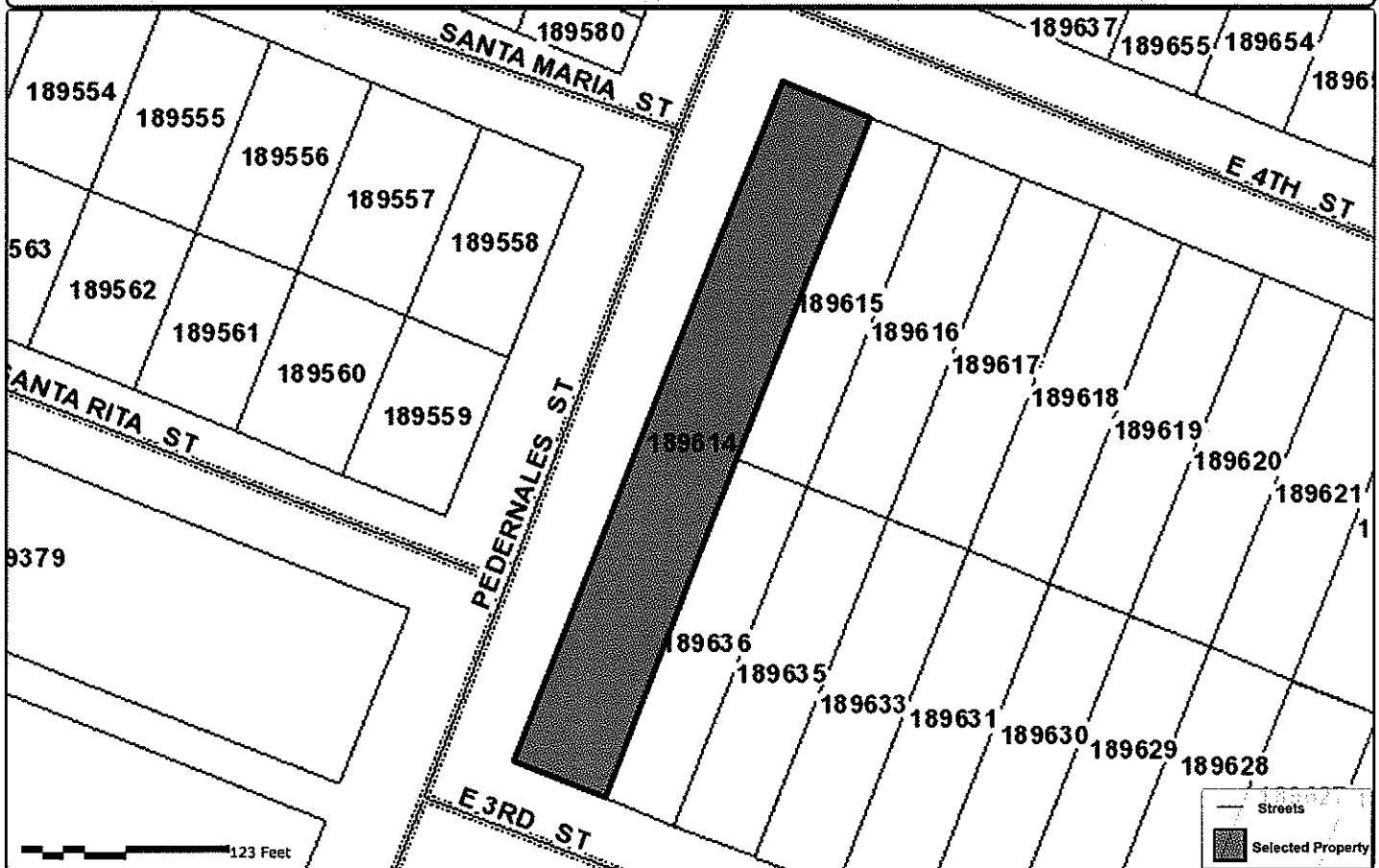
 (=) Assessed Value: = N/A

Taxing Jurisdiction

Owner: GETSEMANI PENTACOSTAL CHURCH T
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	N/A	N/A	N/A	N/A
02	CITY OF AUSTIN	N/A	N/A	N/A	N/A
03	TRAVIS COUNTY	N/A	N/A	N/A	N/A
0A	TRAVIS CENTRAL APP DIST	N/A	N/A	N/A	N/A
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	N/A	N/A	N/A	N/A

Travis CAD - Map of Property ID 189614 for Year 2013



Property Details

Account

Property ID: 189614

Geo ID: 0202110301

Type: Real

Legal Description: LOT 1&12 BLK 1 OLT 11 DIV O CHERNOSKY M E

Location

Situs Address: 2501 E 4 ST TX

Neighborhood: OFFICE SMALL <10,000SF

Mapsc0: 615D

Jurisdictions: 0A, 01, 02, 03, 2J, 68

Owner

Owner Name: GETSEMANI PENTACOSTAL CHURCH T

Mailing Address: CHURCH TRUSTEES, 2501 E 4TH ST, AUSTIN, TX 78702-4711

Property

Appraised Value: N/A

<http://propaccess.traviscad.org/Map/View/Map/1/189614/2013>

powered by:
PropertyACCESS
www.trueautomation.com

Map Disclaimer: This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.